

## **Update on Guidance for Addressing Climate Change Impacts in California Environmental Quality Act (CEQA) Review**

*This is a write-up of a summary presented by Sara Polgar, San Francisco Bay Conservation and Development (BCDC) at Planning for Climate Change Workshops offered September 22 and 23, 2009 in Oakland and Sunnyvale, CA (respectively). Please direct comments or questions to Sara Polgar at [sarap@bcdcc.ca.gov](mailto:sarap@bcdcc.ca.gov).*

The California Governor's Office of Planning and Research (OPR) proposed CEQA Guidelines amendments to address greenhouse gas emissions, and has begun the rulemaking process to certify and adopt the amendments. (<http://opr.ca.gov/index.php?a=ceqa/index.html>) These amendments do not address CEQA review of impacts related to climate change, such as sea level rise, and currently no guidelines exist.

However, the California Attorney General's Office (AGO) has prepared a document, "Straightforward Answers to Some Frequently Asked Questions," (FAQ) (<http://ag.ca.gov/globalwarming/ceqa/generalplans.php>) that provides some insight into the AGO's perspective on addressing climate change-related impacts in CEQA reviews. Specifically, the FAQ affirms that a lead agency is required "to analyze how future climate change may affect development under the general plan." It references CEQA Guidelines Section 15126.2<sup>1</sup> as the basis for this reasoning and further explains that:

Lead agencies should disclose any areas governed by the general plan that may be particularly affected by global warming, e.g.: coastal areas that may be subject to increased erosion, sea level rise, or flooding; areas adjacent to forested lands that may be at increased risk from wildfire; or communities that may suffer public health impacts caused or exacerbated by projected extreme heat events and increased temperatures. General plan policies should reflect these risks and minimize the hazards for current and future development.

The state does not offer guidelines for how to assess whether areas will be affected by climate change, or how to minimize hazards, but the AGO points to the Preliminary Recommendations in the Discussion Draft of the California Climate Adaptation Strategy (<http://www.climatechange.ca.gov/adaptation/>) as the best source of guidance for what is expected for CEQA review and mitigation.<sup>2</sup> Although almost all of the Preliminary Recommendations (pgs 7-9) have the potential to be applicable to CEQA reviews, a few are especially relevant. Recommendation 9 states that:

Communities with General Plans and Local Coastal Plans should begin when possible to amend their Plans to assess climate change impacts, identify areas most vulnerable to these impacts, and to develop reasonable and rational risk reduction strategies using the Draft California Adaptation Strategy as guidance. Every effort will be made to provide tools to assist in these efforts.

Furthermore, recommendations 3 and 5, although directed at state agencies, indicate what may be required in general for CEQA review in the future. Namely, recommendation 3 directs agencies to "consider project alternatives that avoid significant new development in areas that cannot be adequately protected (planning, permitting, development, and building) from flooding due to climate change." And, recommendation 5 specifies that "significant state projects, including infrastructure projects, must consider climate change impacts, as currently required under CEQA Guidelines Section 15126.2." (See footnote 1, below.)

In summary, the only state guidance on addressing climate change impacts in CEQA review is preliminary and broad-brush at this time. Agencies lack specific guidance for a consistent approach to discussions of climate change effects in the environmental setting and impacts of no project and project alternatives in CEQA documents.

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<sup>1</sup> The relevant portion of CEQA Guidelines Section 15126.2 states:

The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

<sup>2</sup> Based on a conversation (9/10/09) with Cliff Rechtschaffen, Special Assistant Attorney General to the AGO.